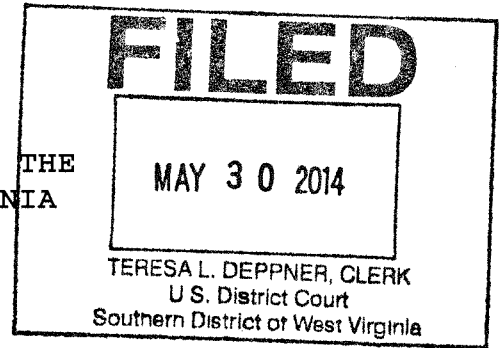


UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:14-00116  
18 U.S.C. § 1341  
18 U.S.C. § 1346  
18 U.S.C. § 2

CHADWICK J. LUSK

I N F O R M A T I O N

The United States Attorney Charges:

COUNT ONE  
(Honest Services Mail Fraud)

At all relative times:

1. Defendant CHADWICK J. LUSK was the purchasing agent at the Mountain Laurel Mining Complex, which is owned by Mingo Logan Coal Company, a wholly owned subsidiary of Arch Coal, Inc. ("Arch Coal").

2. CM Supply, Co. ("CM Supply"), owned and operated by Gary Roeher, named herein as an unindicted co-schemer, served as a broker for coal companies and coal mining related businesses by obtaining a variety of electrical and other related parts used in the mining industry from various manufacturers. Among other products, CM Supply sold crib blocks to the Mountain Laurel Mining Complex. Crib blocks provide roof support in an underground mine.

**The Scheme**

3. From in or about September 2009 through and until at least March 2014, in or near Sharples, Logan County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant CHADWICK J. LUSK together with Gary L. Roeher, named herein as an unindicted aider and abettor, and with others known and unknown to the United States Attorney, devised and intended to devise a scheme and artifice to defraud and deprive Arch Coal of its right to the honest and faithful services of defendant CHADWICK J. LUSK and to obtain money and property by means of intentional false and fraudulent pretenses, representations and promises through the receipt of illegal cash kickbacks and the concealment of material information.

**Purpose of the Scheme**

4. The purpose of the scheme was for defendant CHADWICK J. LUSK to enrich himself by soliciting and receiving a portion of the profit for all crib blocks sold by CM Supply, in exchange for defendant CHADWICK J. LUSK using his official position to direct crib block sales to CM Supply (the "Crib Block Kickback Scheme").

**Manner and Means of the Scheme**

5. The Crib Block Kickback Scheme was carried out in the following manner and means, among others:

- a. Defendant CHADWICK J. LUSK would and did receive kickback payments from Gary L. Roeher representing a portion of the profit earned by CM Supply on crib blocks sold to the Mountain Laurel Mining Complex.
- b. Gary L. Roeher would and did agree to pay defendant CHADWICK J. LUSK the kickback.
- c. Defendant CHADWICK J. LUSK would and did use his official position as a purchasing agent for Arch Coal at the Mountain Laurel Mining Complex to order crib blocks from CM Supply.
- d. Gary L. Roeher would and did deliver crib blocks to the Mountain Laurel Mining Complex.
- e. Defendant CHADWICK J. LUSK would and did accept cash kickbacks from Gary L. Roeher, which further concealed the scheme.
- f. Gary L. Roeher would and did pay defendant CHADWICK J. LUSK cash at locations typically off of the Mountain Laurel Mining Complex to avoid detection.
- g. Defendant CHADWICK J. LUSK would and did conceal and cover up his participation in the Crib Block Kickback Scheme from Arch Coal and its representatives.

Mailing in Furtherance of the Scheme

6. On or about November 15, 2011, in or near Holden, Logan County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant CHADWICK J. LUSK, together with Gary Roeher and others known and unknown to the United States Attorney, aided and abetted by each other and others, for the purpose of executing the scheme, and attempting to do so, did knowingly cause to be delivered by mail, according to the direction thereon, an invoice for crib blocks from CM Supply addressed to the Arch Coal Mountain Laurel Complex in Sharples, Logan County, West Virginia, which contained an invoice that requested reimbursement for 1,800 crib blocks at a cost of \$6,030.00.

In violation of Title 18, United States Code, Sections 1341, 1346, and 2.


UNITED STATES OF AMERICA

R. BOOTH GOODWIN II  
United States Attorney

By:

  
MEREDITH GEORGE THOMAS  
Assistant United States Attorney

By:

  
THOMAS C. RYAN  
Assistant United States Attorney